

## LEGISLATIVE BILL 305

Approved by the Governor May 13, 2003

Introduced by Schrock, 38

AN ACT relating to game and parks; to amend sections 37-324, 37-326, 37-428, 37-449, 37-496, 37-1253, and 37-1273, Reissue Revised Statutes of Nebraska, and sections 37-201, 37-404 to 37-406, 37-410, 37-411, 37-413, 37-414, 37-426, 37-427, 37-453, 37-455, 37-495, 37-1214, 37-1241.04, 37-1241.06, 37-1241.07, and 37-1256, Revised Statutes Supplement, 2002; to change provisions relating to cash funds, licenses, permits, stamps, hunter education programs, habitat stamps, special permits, limited deer permits, motorboat registration, the operation of motorboats and personal watercraft, boating accident investigations, and State Boat Act fees; to prohibit killing or wounding of certain animals; to provide a penalty; to harmonize provisions; to provide operative dates; to repeal the original sections; and to declare an emergency.

Be it enacted by the people of the State of Nebraska,

Section 1. Section 37-201, Revised Statutes Supplement, 2002, is amended to read:

37-201. Sections 37-201 to 37-811 and section 19 of this act shall be known and may be cited as the Game Law.

Sec. 2. Section 37-324, Reissue Revised Statutes of Nebraska, is amended to read:

37-324. (1) The funds derived from the sale of permits and publications as provided in the Game Law, any unexpended balance now on hand from the sale of hunting, fur-harvesting, and fishing permits, and all money required by the Game Law to be paid into the State Game Fund are hereby appropriated to the use of the commission (a) for the propagation, importation, protection, preservation, and distribution of game and fish and necessary equipment therefor and all things pertaining thereto, (b) for the creation of cash funds under section 37-326, (c) for the administration and enforcement of the State Boat Act, (d) for boating safety educational programs, (e) for the construction and maintenance of boating and docking facilities, navigation aids, and access to boating areas and such other uses which will promote the safety and convenience of the boating public in Nebraska, and (f) ~~(e)~~ for publishing costs for publications relating to topics listed in subdivisions (a) ~~through (d)~~ and (b) of this subsection and other topics of general interest to the state as approved by the commission. An amount equal to two dollars from each annual resident fishing permit and two dollars from each combination hunting and fishing permit sold in this state shall be used by the commission for the administration, construction, operation, and maintenance of fish hatcheries and for the distribution of fish.

(2) Expenditures for publications on topics of general interest to the state shall not exceed the income derived from single-copy and subscription sales of commission publications and advertising revenue from such publications.

Sec. 3. Section 37-326, Reissue Revised Statutes of Nebraska, is amended to read:

37-326. (1) The commission may establish change cash funds for use at any of the following locations:

- (a) Staffed state parks;
- (b) Staffed state recreation areas;
- (c) Staffed state historical parks;
- (d) Staffed state wildlife management areas; and
- (e) Administrative offices of the commission.

(2) Money for the change cash funds shall be taken from the State Game Fund or the State Park Cash Revolving Fund.

(3) The amount of each change cash fund shall be determined by the commission based upon need at each location. At no location shall the sum of money to be used as a change cash fund exceed ~~ten~~ fifteen thousand dollars.

(4) Personnel at each location where a change cash fund has been established shall make a monthly accounting of such fund to the commission. The commission shall make a monthly accounting of all change cash funds to the State Treasurer.

Sec. 4. Section 37-404, Revised Statutes Supplement, 2002, is amended to read:

37-404. (1) Any resident of the United States who has resided in this state continuously for a period of thirty days before applying for a permit under the Game Law and who has a bona fide intention of becoming a legal resident of this state, supported by documentary proof, shall be deemed to be a resident and may be issued a resident permit under the Game Law.

(2) ~~The issuance of a hunting permit to anyone known to be physically or mentally unfit to carry or use firearms is prohibited~~ No hunting permit shall be issued to any person who is known to have a significant physical or mental disability and who is unable to safely carry or use a firearm because of such disability.

(3) The commission may limit the number of days for which a permit is issued and the number of fish or game birds taken on one permit. The commission may ~~issue coupons which are attached to nonresident permits for the purpose provide for a method of tagging and identification or may provide another method for electronically issued permits~~ of fish and game birds taken under a nonresident permit.

Sec. 5. Section 37-405, Revised Statutes Supplement, 2002, is amended to read:

37-405. (1) The commission shall provide for the issuance of permits to hunt, fish, or harvest fur. Application for such permits shall be made to the commission or its agents and shall contain such information as may be prescribed by the commission. The permit shall bear the date of issuance, a description of the person to whom issued, including his or her date of birth, color of eyes and hair, height, and weight, and the address of such person. All applications for permits to harvest fur shall include the applicant's social security number. All permits shall bear the signature of the secretary of the commission ~~or a facsimile of such signature.~~ All legally issued permits A permit shall authorize the person named in the permit to whom it is issued to hunt, fish, or harvest fur-bearing animals as provided by the Game Law during the period for which the permit is issued.

(2) If the holder of a hunting permit is a hunter of migratory game birds, he or she shall be required to declare himself or herself as such and provide information regarding his or her migratory game bird hunting activity to the commission. Documentation of such a declaration shall be made on the hunting permit or a separate document which shall become a part of the permit. Costs to the commission of implementing such declaration and documentation and for participation in a federal program designed to obtain survey information on migratory bird hunting activity shall be funded from the State Game Fund. For purposes of this subsection, migratory bird has the definition found in 50 C.F.R. part 10, subpart B, section 10.12, and migratory game bird has the definition found in 50 C.F.R. part 20, subpart B, section 20.11(a).

(3) All permits shall expire at midnight on December 31 in the year for which the permit is issued, except as otherwise provided in sections 37-415, 37-420, and 37-421.

(4) ~~To be valid a permit shall be countersigned by the holder. The permit shall be on or about the person of the holder at all times while he or she~~ A person who is hunting, fur harvesting, or fishing and shall present evidence of having a permit be shown immediately upon demand to any officer or person whose duty it is to enforce the Game Law. Any person hunting, fishing, or fur harvesting in this state without such permit actually on or about his or her person evidence shall be deemed to be without such permit.

(5) The commission shall adopt and promulgate rules and regulations necessary to carry out this section.

Sec. 6. Section 37-406, Revised Statutes Supplement, 2002, is amended to read:

37-406. (1) Licenses, permits, and stamps required under the Game Law shall be issued by the commission and may be procured from the secretary of the commission. The commission may provide for the electronic issuance of any license, permit, or stamp required under the Game Law and may enter into contracts to procure necessary services and supplies for the electronic issuance of licenses, permits, and stamps. Except for permits issued under sections 37-462 and 37-463, the commission may provide for the issuance of any license, permit, or stamp required under the Game Law in the form of a number which identifies the holder in the records of the commission. The commission may designate other persons, firms, and corporations as agents to issue licenses, permits, and stamps and collect the prescribed fees. Any person, firm, or corporation, other than the secretary of the commission or an employee of the commission, authorized by the commission to issue licenses, permits, and stamps shall be entitled to collect and retain an additional fee of not less than fifty cents and not more than one dollar, as established by the commission pursuant to section 37-327, for each license, permit, or stamp issued as reimbursement for the clerical work of issuing the license, permit,

or stamp and collecting and remitting the fees.

(2) The commission shall adopt and promulgate rules and regulations regarding electronic issuance of licenses, permits, and stamps, including electronic issuance devices, deposits by agents, and remittance of fees. The commission may provide for the electronic issuance of a license, permit, or stamp by acknowledging the purchase of such license, permit, or stamp without requiring a physical license, permit, or stamp or facsimile of such.

(3) It shall be unlawful for any person to duplicate any electronically issued license, permit, or stamp. Any person violating this subsection shall be guilty of a Class III misdemeanor and shall be fined at least seventy-five dollars, and any license, permit, or stamp involved in such violation shall be confiscated by the court.

Sec. 7. Section 37-410, Revised Statutes Supplement, 2002, is amended to read:

37-410. It shall be unlawful (1) for any person ~~holding~~ who has been issued a permit under the Game Law to lend or transfer his or her permit to another or for any person to borrow or use the permit of another, (2) for any person to procure a permit under an assumed name or to falsely state the place of his or her legal residence or make any other false statement in securing a permit, (3) for any person to knowingly issue or aid in securing a permit under the Game Law for any person not legally entitled thereto, (4) for any person disqualified for a permit to hunt, fish, or harvest fur with or without a permit during any period when such right has been forfeited or for which his or her permit has been revoked by the commission, or (5) for any nonresident under the age of sixteen years to receive a permit to harvest fur from any fur-bearing animal under the Game Law without presenting a written request therefor signed by his or her father, mother, or guardian. All children who are residents of the State of Nebraska and are under sixteen years of age shall not be required to have a permit to hunt, harvest fur, or fish. Any person violating this section shall be guilty of a Class III misdemeanor and shall be fined at least seventy-five dollars, and any permits purchased or used in violation of this section shall be confiscated by the court.

Sec. 8. Section 37-411, Revised Statutes Supplement, 2002, is amended to read:

37-411. (1) Unless ~~holding~~ issued a permit as required in the Game Law, it shall be unlawful:

(a) For any resident of Nebraska who is sixteen years of age or older or any nonresident of Nebraska to engage in fur harvesting or possess any fur-bearing animal or raw fur, except that a person may possess a fur-bearing animal or raw fur for up to ten days after expiration of a valid permit. Nonresident fur-harvesting permits may be issued only to residents of states which issue similar permits to residents of Nebraska;

(b) For any resident of Nebraska who is sixteen years of age or older or any nonresident of Nebraska to hunt or possess any kind of game birds, game animals, or crows;

(c) For any person who is sixteen years of age or older to hunt or possess any migratory waterfowl without ~~first obtaining and attaching to his or her hunting permit~~ a federal migratory bird hunting stamp. All such stamps attached to hunting permits shall be signed by the holder of the hunting permit as required under the Game Law and rules and regulations of the commission; or

(d) For any person who is sixteen years of age or older to take any kind of fish, bullfrog, snapping turtle, tiger salamander, or mussel from the waters of this state or possess the same except as provided in section 37-402. All nonresident anglers under sixteen years of age shall be accompanied by a person ~~possessing~~ who has a valid fishing permit.

(2) It shall be unlawful for a nonresident to hunt or possess any kind of game birds or game animals, to take any kind of fish, mussel, turtle, or amphibian, or to harvest fur ~~while in the possession of~~ with a resident permit illegally obtained.

(3) It shall be unlawful for anyone to do or attempt to do any other thing for which a permit is required by the Game Law without first obtaining such permit and paying the fee required.

(4) Any nonresident who hunts or has in his or her possession any wild mammal or wild bird shall ~~first obtain and have in his or her possession~~ a nonresident hunting permit as required under the Game Law and rules and regulations of the commission.

(5) Any nonresident who takes or has in his or her possession any wild turtle, mussel, or amphibian shall ~~first obtain and have in his or her possession~~ a nonresident fishing permit as required under the Game Law and rules and regulations of the commission.

(6) Except as provided in this section and sections 37-407 and 37-418, it shall be unlawful for any nonresident to trap or attempt to trap or to harvest fur or attempt to harvest fur from any wild mammal.

(7) It shall be unlawful for anyone to lure or entice wildlife into a domesticated cervine animal facility for the purpose of containing such wildlife.

(8) (a) Any person violating this section shall be guilty of a Class II misdemeanor and shall be fined at least seventy-five dollars.

(b) If the offense is failure to hold a hunting, fishing, fur-harvesting, deer, turkey, or antelope permit as required, unless issuance of the required permit is restricted so that permits are not available, the court shall require the offender to purchase the required permit and exhibit ~~the permit~~ proof of such purchase to the court.

Sec. 9. Section 37-413, Revised Statutes Supplement, 2002, is amended to read:

37-413. (1) For the purpose of establishing and administering a mandatory firearm hunter education program for persons born on or after January 1, 1977, who hunt with a firearm or crossbow any species of game, game birds, or game animals, the commission shall provide a program of firearm hunter education training leading to obtaining a certificate of successful completion in the safe handling of firearms and shall locate and train volunteer firearm hunter education instructors. The program shall provide a training course having a minimum of (a) ten hours of classroom instruction or (b) independent study on the part of the student sufficient to pass an examination given by the commission followed by such student's participation in a minimum of ~~six~~ four hours of practical instruction. The program shall provide instruction in the areas of safe firearms use, shooting and sighting techniques, hunter ethics, game identification, and conservation management. The commission shall issue a firearm hunter education certificate of successful completion to persons having satisfactorily completed a firearm hunter education course accredited by the commission and shall print, purchase, or otherwise acquire materials as necessary for effective program operation.

(2) It shall be unlawful for any person born on or after January 1, 1977, to hunt with a firearm or crossbow any species of game, game birds, or game animals except:

(a) A person under the age of twelve years who is accompanied by a person nineteen years of age or older having a valid hunting permit; and

(b) A person born on or after January 1, 1977, who has on his or her person a hunter education certificate of successful completion issued by the person's state or province of residence or a firearm hunter education certificate issued by an accredited program recognized by the commission.

Sec. 10. Section 37-414, Revised Statutes Supplement, 2002, is amended to read:

37-414. (1) The commission shall establish and administer a bow hunter education program consisting of a minimum of (a) ten hours of classroom instruction or (b) independent study on the part of the student sufficient to pass an examination given by the commission followed by such student's participation in a minimum of ~~six~~ four hours of practical instruction. The program shall provide instruction in the safe use of bow hunting equipment, the fundamentals of bow hunting, shooting and hunting techniques, game identification, conservation management, and hunter ethics. When establishing such a program, the commission shall train volunteers as bow hunter education training instructors. The commission shall issue a certificate of successful completion to any person who satisfactorily completes a bow hunter education program established by the commission and shall print, purchase, or otherwise acquire materials necessary for effective program operation. The commission shall adopt and promulgate rules and regulations for carrying out and administering such program.

(2) A person born on or after January 1, 1977, who is hunting antelope, deer, elk, mountain sheep, or wild turkey with a bow and arrow pursuant to any provision of sections 37-447 to 37-453 and 37-457 shall have on his or her person a bow hunter education certificate of successful completion issued by his or her state or province of residence or a bow hunter education certificate issued by an accredited program recognized by the commission.

Sec. 11. Section 37-426, Revised Statutes Supplement, 2002, is amended to read:

37-426. (1) Except as provided in subsection (3) of this section:

(a) No resident of Nebraska sixteen years of age or older and no nonresident of Nebraska regardless of age shall hunt, harvest, or possess any game bird, upland game bird, game animal, or fur-bearing animal unless, at the

time of such hunting, harvesting, or possessing, such person ~~carries on or about his or her person~~ has an unexpired habitat stamp validated as prescribed by the rules and regulations of the commission prior to the time of hunting, harvesting, or possessing such bird or animal; and

(b) No resident or nonresident of Nebraska eighteen years of age or older shall take or possess any aquatic organism requiring a Nebraska fishing permit, including any fish, bullfrog, snapping turtle, tiger salamander, or mussel unless, at the time of such taking or possessing, such person ~~carries on or about his or her person~~ has an unexpired aquatic habitat stamp validated as prescribed by the rules and regulations of the commission prior to the time of taking or possessing a fish, bullfrog, snapping turtle, tiger salamander, or mussel.

(2) The commission may issue to any Nebraska resident a lifetime habitat stamp upon application and payment of the appropriate fee. The fee for a lifetime habitat stamp shall be twenty times the fee required in subsection (4) of this section for annual habitat stamps. Payment of such fee shall be made in a lump sum at the time of application. A lifetime habitat stamp shall not be made invalid by reason of the holder subsequently residing outside the state. A replacement lifetime habitat stamp may be issued if the original is lost or destroyed. The fee for a replacement shall be not less than one dollar and fifty cents and not more than five dollars, as established by the commission.

(3) Habitat stamps are not required for holders of limited permits issued under section 37-455. Aquatic habitat stamps are not required (a) when a fishing permit is not required, (b) for holders of permits pursuant to section 37-424, or (c) for holders of lifetime fishing permits or lifetime combination hunting and fishing permits. For purposes of this section, a showing of proof of the electronic issuance of a stamp by the commission shall fulfill the requirements of this section.

(4) Any person to whom a stamp has been issued shall, immediately upon request, exhibit evidence of issuance of the stamp to any officer. Any person hunting, fishing, harvesting, or possessing any game bird, upland game bird, game animal, or fur-bearing animal or any aquatic organism requiring a fishing permit in this state without evidence of issuance of the appropriate stamp attached to or printed on a valid hunting or fur-harvesting permit or fishing permit and not actually on or about his or her person shall be deemed to be without such stamp. A habitat stamp shall be issued upon the payment of a fee of not less than ten dollars and not more than fifteen dollars per stamp. An aquatic habitat stamp shall be issued upon the payment of a fee of not less than five and not more than six dollars and fifty cents per stamp. The commission shall establish the fees pursuant to section 37-327.

Sec. 12. Section 37-427, Revised Statutes Supplement, 2002, is amended to read:

37-427. The habitat stamp or aquatic habitat stamp required by section 37-426 is not transferable and, except for the lifetime habitat stamp and a habitat stamp purchased for a permit which is valid into the next calendar year, expires at midnight on December 31 in the year for which the stamp is issued.

Sec. 13. Section 37-428, Reissue Revised Statutes of Nebraska, is amended to read:

37-428. It shall be unlawful: (1) For any person, ~~holding~~ who has a stamp under sections 37-426 to 37-433, to lend or transfer the stamp to another person or for any person to borrow or use the stamp of another; (2) for any person to (a) procure a stamp under an assumed name, (b) falsely state the place of his or her legal residence in procuring the stamp, or (c) make any other false statement in procuring the stamp; (3) for any person to knowingly issue or aid in securing a stamp under ~~the provisions of~~ sections 37-426 to 37-433 for any person not legally entitled thereto; (4) for any person disqualified for a stamp to take or possess a fish, bullfrog, snapping turtle, tiger salamander, or mussel, to hunt game birds, upland game birds, or game animals, or to harvest fur-bearing animals with or without a stamp during any period when such right has been forfeited or for which his or her stamp has been revoked by the commission; or (5) for anyone to take or possess a fish, bullfrog, snapping turtle, tiger salamander, or mussel, to hunt game birds, upland game birds, or game animals, or to harvest fur-bearing animals without a permit as required by section 37-401 and the appropriate stamp ~~attached thereto~~ as required by the Game Law. Any person violating any of the provisions of sections 37-426 to 37-433 shall be guilty of a Class V misdemeanor and the court shall require the offender to purchase the required stamp, and any stamp obtained or used in violation of sections 37-426 to 37-433 shall be canceled and confiscated, if appropriate, by the court.

It shall be an affirmative defense to prosecution for any violation

of sections 37-426 to 37-433 for which possession is an element of the offense that such possession was not the result of effort or determination or that the actor was unaware of his or her physical possession or control for a sufficient period to have been able to terminate such possession or control.

Sec. 14. Section 37-449, Reissue Revised Statutes of Nebraska, is amended to read:

37-449. The commission may issue permits for hunting antelope and may establish separate and, when necessary, different regulations therefor within the limitations prescribed in sections 37-447 and 37-452 for hunting deer. The commission may, pursuant to section 37-327, establish and charge a nonrefundable application fee of not less than five dollars and not more than seven dollars. The commission shall, pursuant to section 37-327, establish and charge a fee of not less than twenty dollars and not more than twenty-five dollars for residents and not less than one hundred dollars and not more than one hundred thirty dollars for nonresidents for each permit issued under this section. The provisions for the distribution of deer permits and the authority of the commission to determine eligibility of applicants for permits as described in sections 37-447 and 37-452 shall also apply to the distribution of antelope permits.

Sec. 15. Section 37-453, Revised Statutes Supplement, 2002, is amended to read:

37-453. Applications for the special permits provided for in section 37-447, or 37-449, ~~or 37-450~~ shall be made individually or on a unit basis. If such application is made on a unit basis, not more than ~~five~~ two applicants may apply for such permit in one application. If such application is granted, such special permits shall be issued to the persons so applying. If any one of the persons so applying shall be ineligible to receive such special permit, the entire group so applying shall be disqualified. No person applying for such special permit on a unit basis shall also apply individually.

Sec. 16. Section 37-455, Revised Statutes Supplement, 2002, is amended to read:

37-455. (1) The commission may issue a limited permit for deer, antelope, wild turkey, or elk to a person who is a qualifying landowner or leaseholder and his or her immediate family as described in this section. A permit shall be valid during the predetermined period established by the commission pursuant to sections 37-447 to 37-450, 37-452, 37-456, or 37-457. Upon receipt of an application in proper form as prescribed by the rules and regulations of the commission, the commission may issue (a) a limited deer, antelope, or wild turkey permit valid for hunting on all of the land which is owned or leased by the qualifying landowner or leaseholder if such lands are identified in the application or (b) a limited elk permit valid for hunting on the entire elk management unit of which the land of the qualifying landowner or leaseholder included in the application is a part.

(2)(a) The commission shall adopt and promulgate rules and regulations prescribing procedures and forms and create requirements for documentation by an applicant or permittee to determine whether the applicant or permittee is a Nebraska resident and is a qualifying landowner or leaseholder of the described property or is a member of the immediate family of and residing in the same household as such qualifying landowner or leaseholder. Only a person who is a qualifying landowner or leaseholder and such person's immediate family residing in the same household as such qualifying landowner or leaseholder may apply for a limited permit. For purposes of this section, immediate family means and is limited to a husband and wife and their children.

(b) The conditions applicable to permits issued pursuant to sections 37-447 to 37-450, 37-452, 37-456, or 37-457, whichever is appropriate, shall apply to limited permits issued pursuant to this section, except that the commission may adopt and promulgate rules and regulations for species harvest allocation pertaining to the sex and age of the species harvested which are different for a limited permit than for other hunting permits. For purposes of this section, white-tailed deer and mule deer shall be treated as one species.

(3)(a) To qualify for a limited permit to hunt deer or antelope, the applicant shall be a Nebraska resident who owns or leases eighty acres or more of farm or ranch land for agricultural purposes or a member of such person's immediate family residing in the same household. The number of limited permits issued annually per species for each farm or ranch shall not exceed the total acreage of the farm or ranch divided by eighty. An applicant may apply for no more than one permit per species per year. The fee for a limited permit to hunt deer or antelope shall be one-half the fee for the regular permit for such species.

(b) A nonresident of Nebraska who owns three hundred twenty acres or more of farm or ranch land in the State of Nebraska for agricultural purposes or a member of such person's immediate family residing in the same household may apply for a limited deer permit. Only one limited deer permit per three hundred twenty acres may be issued annually under this subdivision. The fee for such a permit to hunt deer shall be one-half the fee for a nonresident permit to hunt deer.

(c) The commission may adopt and promulgate rules and regulations providing for the issuance of an additional limited deer permit to a qualified individual for the taking of a deer without antlers at a fee equal to or less than the fee for the original limited permit.

(4) To qualify for a limited permit to hunt wild turkey, the applicant shall be a Nebraska resident who owns or leases eighty acres or more of farm or ranch land for agricultural purposes or a member of such person's immediate family residing in the same household. The number of limited permits issued annually per season for each farm or ranch shall not exceed the total acreage of the farm or ranch divided by eighty. An applicant may apply for no more than one limited permit per season. The fee for a limited permit to hunt wild turkey shall be one-half the fee for the regular permit to hunt wild turkey.

(5) To qualify for a limited permit to hunt elk, (a) the applicant shall be (i) a Nebraska resident who owns three hundred twenty acres or more of farm or ranch land for agricultural purposes, (ii) a Nebraska resident who leases three hundred twenty acres or more of farm or ranch land for agricultural purposes and resides on such property, or (iii) a member of such owner or lessee's immediate family residing in the same household and (b) the qualifying farm or ranch land of the applicant shall be within an area designated as an elk management zone by the commission in its rules and regulations. An applicant shall not be issued a limited elk permit more than once every three years, and the commission may give preference to a person who did not receive a limited elk permit or specified type of limited elk permit during the previous years. The fee for a limited permit to hunt elk shall be one-fifth the fee for the regular permit to hunt elk.

Sec. 17. Section 37-495, Revised Statutes Supplement, 2002, is amended to read:

37-495. It shall be the duty of every person ~~holding any~~ who has been issued a license issued under sections 37-484 to 37-496 to have evidence of the same in his or her possession for immediate presentation ~~for inspection~~ to the conservation officers and employees of the commission or any other peace officer making demand for same.

Sec. 18. Section 37-496, Reissue Revised Statutes of Nebraska, is amended to read:

37-496. Licenses authorized to be issued under sections 37-484 to 37-496 shall be prepared by the commission. They shall ~~(1) be in such form and content as may be prescribed by the commission,~~ ~~(2) bear the signature of the secretary of the commission,~~ ~~(3) be signed by the licensee,~~ ~~(4) be countersigned by the person issuing the same when issued,~~ and ~~(5) be supplied by the commission,~~ subject to such rules and regulations as the commission may prescribe.

Sec. 19. (1) It shall be illegal to knowingly engage in, sponsor, instigate, assist, or profit from the killing, wounding, or attempted killing or wounding of animals of the Families Tayassuidae and Suidae for the purpose of sport, pleasure, amusement, or production of a trophy.

(2) Any person violating this section is guilty of a Class II misdemeanor.

Sec. 20. Section 37-1214, Revised Statutes Supplement, 2002, is amended to read:

37-1214. (1) Except as otherwise provided in section 37-1211, the owner of each motorboat shall register such vessel or renew the registration every three years as provided in section 37-1226. The owner of such vessel shall file an initial application for a certificate of number pursuant to section 37-1216 with ~~the county treasurer of the county in which the applicant resides or, in the case of a nonresident, with any a county treasurer~~ on forms approved and provided by the commission. The application shall be signed by the owner of the vessel, shall contain the year manufactured, and shall be accompanied by a fee for the three-year period of not less than fifteen dollars and not more than twenty dollars for Class 1 boats, not less than thirty dollars and not more than forty dollars for Class 2 boats, not less than forty-five dollars and not more than sixty dollars for Class 3 boats, and not less than seventy-five dollars and not more than one hundred dollars for Class 4 boats, as established by the commission pursuant to section 37-327.

(2) If a county board consolidates services under the office of a

designated county official other than the county treasurer pursuant to section 23-186, the powers and duties of the county treasurer relating to registration under sections 37-1214 to 37-1227 shall be performed by the designated county official.

Sec. 21. Section 37-1241.04, Revised Statutes Supplement, 2002, is amended to read:

37-1241.04. (1) A person shall operate a personal watercraft on the waters of this state in a reasonable and prudent manner. A maneuver which unreasonably or unnecessarily endangers life, limb, or property is prohibited and includes weaving through congested vessel traffic, ~~or~~ jumping the wake produced by another vessel at a distance of less than ~~thirty~~ fifty yards, or jumping the wake produced by a motorboat or personal watercraft that is towing a person or persons.

(2) A person shall not operate a personal watercraft on the waters of this state unless he or she is facing forward on the watercraft.

Sec. 22. Section 37-1241.06, Revised Statutes Supplement, 2002, is amended to read:

37-1241.06. (1)(a) No person under fourteen years of age shall operate a motorboat or personal watercraft on the waters of this state.

(b) No person under sixteen years of age shall operate a motorboat or personal watercraft on the waters of this state with an individual in tow behind the motorboat or personal watercraft.

(2) Effective May 1, 2000, and until January 1, 2004, a person under sixteen years of age shall not operate a motorboat or personal watercraft on the waters of this state unless he or she has successfully completed a boating safety course approved by the commission and has been issued a valid boating safety certificate.

(3) Effective January 1, 2004, a person under eighteen years of age shall not operate a motorboat or personal watercraft on the waters of this state unless he or she has successfully completed a boating safety course approved by the commission and has been issued a valid boating certificate.

(4) ~~No person under fourteen years of age shall operate a personal watercraft on the waters of this state.~~ The commission may charge a fee of no more than ten dollars for a boating safety course required by this section.

Sec. 23. Section 37-1241.07, Revised Statutes Supplement, 2002, is amended to read:

37-1241.07. Effective ~~May 1, 2000~~ on the operative date of this section, the owner of a boat livery, or his or her agent or employee, shall not lease, hire, or rent a motorboat or personal watercraft to, or for operation by, any person under ~~sixteen~~ eighteen years of age. ~~unless the person presents his or her certificate issued under section 37-1241.06.~~

Sec. 24. Section 37-1253, Reissue Revised Statutes of Nebraska, is amended to read:

37-1253. (1) No person shall operate or give permission for the operation of a motorboat on the waters of this state in such a manner as to exceed a noise level of ninety-six decibels when measured at one hundred feet or more on plane using the A-weighting network of a sound level meter complying with the standards set forth in S1.4-1983 (R 2001) of the American National Standards Institute, as those standards existed on the operative date of this section.

(2) The exhaust of every internal combustion engine used on any motorboat shall be effectively muffled by equipment so constructed and used as to muffle the noise of the exhaust in a reasonable manner.

The use of cutouts is prohibited, except for motorboats competing in a regatta or boat race approved as provided in sections 37-1262 and 37-1263, and for such motorboats while on trial runs, during a period not to exceed forty-eight hours immediately preceding such regatta or race and for such motorboats while competing in official trials for speed records during a period not to exceed forty-eight hours immediately following such regatta or race.

Sec. 25. Section 37-1256, Revised Statutes Supplement, 2002, is amended to read:

37-1256. (1) In the case of collision, accident, or other casualty involving a vessel, the operator thereof, if the collision, accident, or other casualty results in death, a missing person, or injury to a person or damage to property in excess of five hundred dollars, shall file with the commission a full description of the collision, accident, or other casualty, including such information and within such time limit as the commission may by regulation require.

(2) The commission or any other law enforcement agency shall notify the Nebraska State Patrol as soon as practicable in any cases of collision, accident, or other casualty involving a vessel, when the collision, accident,

or other casualty results in death, a missing person, or life-threatening injury to a person.

(3) The Nebraska State Patrol shall collaborate with the commission or any other law enforcement agency in any investigations pursuant to this section.

Sec. 26. Section 37-1273, Reissue Revised Statutes of Nebraska, is amended to read:

37-1273. All fees as provided by the State Boat Act shall be remitted to the ~~state treasury and by the State Treasurer placed in~~ for credit to the State Game Fund to be used primarily for (1) administration and enforcement of the State Boat Act, (2) boating safety educational programs, (3) the construction and maintenance of boating and docking facilities, navigation aids, and access to boating areas and such other uses as will promote the safety and convenience of the boating public in Nebraska, and (4) publishing costs subject to the restrictions and limitations in section 37-324. ~~Secondary uses for the fees shall be for the propagation, importation, protection, preservation, and distribution of game and fish and necessary equipment therefor and all things pertaining thereto. Such fund, when appropriated by the Legislature, shall be used (1) for the propagation, importation, protection, preservation, and distribution of game and fish and necessary equipment therefor and all things pertaining thereto, (2) for administration and enforcement of the State Boat Act, (3) for the construction and maintenance of boating and docking facilities, navigation aids, and access to boating areas and such other uses as will promote the safety and convenience of the boating public in Nebraska, and (4) for publishing costs subject to the restrictions and limitations in section 37-324.~~

Sec. 27. Sections 1, 3 to 19, 24, and 28 of this act become operative three calendar months after the adjournment of this legislative session. Sections 2, 20, 21, 25, 26, and 29 of this act become operative on June 1, 2003. The other sections of this act become operative on their effective date.

Sec. 28. Original sections 37-326, 37-428, 37-449, 37-496, and 37-1253, Reissue Revised Statutes of Nebraska, and sections 37-201, 37-404 to 37-406, 37-410, 37-411, 37-413, 37-414, 37-426, 37-427, 37-453, 37-455, and 37-495, Revised Statutes Supplement, 2002, are repealed.

Sec. 29. Original sections 37-324 and 37-1273, Reissue Revised Statutes of Nebraska, and sections 37-1214, 37-1241.04, and 37-1256, Revised Statutes Supplement, 2002, are repealed.

Sec. 30. Original sections 37-1241.06 and 37-1241.07, Revised Statutes Supplement, 2002, are repealed.

Sec. 31. Since an emergency exists, this act takes effect when passed and approved according to law.